

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01040-TJK

DALAL v. UNITED STATES DEPARTMENT OF JUSTICE et al
Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 05/31/2016
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AAKASH DALAL

represented by **AAKASH DALAL**
16 Trudy Drive
Lodi, NJ 07644
PRO SE

V.

Defendant

UNITED STATES DEPARTMENT OF JUSTICE

represented by **Christopher Charles Hair**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: christopher.hair@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Claire M. Whitaker
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2526
Fax: (202) 252-2505
Email: claire.whitaker@usdoj.gov
TERMINATED: 08/06/2018
LEAD ATTORNEY

Fred Elmore Haynes
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2550
Email: fred.haynes@usdoj.gov
TERMINATED: 11/04/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

represented by **Christopher Charles Hair**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Claire M. Whitaker
(See above for address)

TERMINATED: 08/06/2018
LEAD ATTORNEY

Fred Elmore Haynes
(See above for address)
TERMINATED: 11/04/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/31/2016	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE (Filing fee \$ 400, receipt number 4616078142) with Jury Demand filed by AAKASH DALAL. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf) (Entered: 06/06/2016)
06/03/2016		SUMMONS (4) Issued as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (jf) . (Entered: 06/06/2016)
07/01/2016	<u>2</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 6/11/2016; UNITED STATES DEPARTMENT OF JUSTICE served on 6/14/2016, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/14/2016., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/14/2016. (Answer due for ALL FEDERAL DEFENDANTS by 7/14/2016.) (jf) (Entered: 07/05/2016)
07/14/2016	<u>3</u>	NOTICE of Appearance by Claire M. Whitaker on behalf of UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE (Whitaker, Claire) (Entered: 07/14/2016)
07/14/2016	<u>4</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/14/2016)
08/01/2016		MINUTE ORDER treating as opposed and granting over objection <u>4</u> defendant's motion for extension of time. The defendant shall answer, or otherwise respond to plaintiff's complaint, by no later than August 12, 2016. Signed by Judge Emmet G. Sullivan on August 1, 2016. (lcegs3) (Entered: 08/01/2016)
08/01/2016		Set/Reset Deadlines: Answer due by 8/12/2016. (mac) (Entered: 08/01/2016)
08/12/2016	<u>5</u>	ANSWER to <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE.(Whitaker, Claire) (Entered: 08/12/2016)
08/26/2016	<u>6</u>	FIRST AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE with Jury Demand filed by AAKASH DALAL.(jf) (Entered: 08/29/2016)
09/06/2016	<u>7</u>	ANSWER to <u>6</u> Amended Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE. Related document: <u>6</u> Amended Complaint filed by AAKASH DALAL.(Whitaker, Claire) (Entered: 09/06/2016)
09/08/2016	<u>8</u>	STANDING ORDER. The parties are directed to read this Order in its entirety upon receipt. The parties shall file a proposed schedule for future proceedings by no later than September 23, 2016. Signed by Judge Emmet G. Sullivan on 09/08/2016. (lcegs3) (Entered: 09/08/2016)
09/09/2016		Set/Reset Deadlines: Proposed Schedule For Future Proceedings due by 9/23/2016. (mac) (Entered: 09/09/2016)

09/23/2016	<u>9</u>	MOTION for Extension of Time to by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order (Defendant's proposed order for an extension to 10/14/16 to file a briefing schedule), # <u>2</u> Attachment 1 ((Plaintiff pro se's propoased schedule))(Whitaker, Claire) (Entered: 09/23/2016)
09/26/2016		MINUTE ORDER treating as opposed and granting <u>9</u> defendants' motion to extend time to propose a schedule to govern this case. Defendants shall submit their proposed schedule by no later than October 14, 2016. Signed by Judge Emmet G. Sullivan on 09/26/2016. (lcegs3) (Entered: 09/26/2016)
09/27/2016		Set/Reset Deadlines: Defendants Proposed Schedule due by 10/14/2016. (mac) (Entered: 09/27/2016)
10/14/2016	<u>10</u>	PROPOSED BRIEFING SCHEDULE re Order on Motion for Extension of Time to, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 10/14/2016)
10/27/2016		MINUTE ORDER. Upon consideration of Mr. Dalal's and the defendants' proposed scheduling orders, the parties are directed to comply with the following schedule over plaintiff's objection: FEMA and EOUSA shall produce all non-exempt responsive records to Mr. Dalal by no later than December 15, 2016. FEMA and EOUSA shall produce a Vaughn index to Mr. Dalal by no later than January 4, 2017. FEMA and EOUSA shall file any dispositive motion by no later than January 4, 2017. Mr. Dalal's opposition shall be filed by no later than January 25, 2017. If Mr. Dalal chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. FEMA's and EOUSA's reply and, if applicable, combined opposition shall be filed by no later than February 1, 2017. Mr. Dalal's reply, if applicable, shall be filed by no later than February 8, 2017. FBI shall produce all non-exempt responsive records to Mr. Dalal by no later than March 30, 2017. FBI shall produce a Vaughn index to Mr. Dalal by no later than May 15, 2017. FBI shall file any dispositive motion by no later than May 15, 2017. Mr. Dalal's opposition shall be filed by no later than June 5, 2017. If Mr. Dalal chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. FBI's reply and, if applicable, combined opposition shall be filed by no later than June 12, 2017. Mr. Dalal's reply, if any, shall be filed by no later than June 19, 2017. Signed by Judge Emmet G. Sullivan on 10/27/2016. (lcegs3) (Entered: 10/27/2016)
12/16/2016	<u>11</u>	MOTION to Modify Scheduling Order by AAKASH DALAL (jf) (Entered: 12/20/2016)
01/03/2017		MINUTE ORDER granting in part and denying in part <u>11</u> Mr. Dalal's motion to modify scheduling order. By no later than January 17, 2017, FBI shall produce to Mr. Dalal a Vaughn index as to all documents that were withheld from him pursuant to its interim release of documents on November 30, 2016. The Scheduling Order of October 27, 2016 otherwise remains unchanged: FBI shall produce all non-exempt responsive records to Mr. Dalal by no later than March 30, 2017, and FBI shall produce a complete Vaughn index to Mr. Dalal by no later than May 15, 2017. FBI shall file any dispositive motion by no later than May 15, 2017. Mr. Dalal's opposition shall be filed by no later than June 5, 2017. If Mr. Dalal chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. FBI's reply and, if applicable, combined opposition shall be filed by no later than June 12, 2017. Mr. Dalal's reply, if any, shall be filed by no later than June 19, 2017. Signed by Judge Emmet G. Sullivan on 01/3/2017. (lcegs3) (Entered: 01/03/2017)
01/03/2017		Set/Reset Deadlines: FBI Dispositive Motion due by 5/15/2017. Plaintiff Opposition Or Cross-Motion, Shall Be Combined With The Opposition due by 6/5/2017. FBI Reply And, If Applicable, Combined Opposition due by 6/12/2017. Plaintiff Reply, If Any, due by 6/19/2017. (mac) (Entered: 01/03/2017)
01/03/2017	<u>12</u>	MOTION for Reconsideration re Order on Motion to Modify,,, (new Deadline for FBI Vaughn Index) by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 01/03/2017)

01/04/2017	<u>13</u>	MOTION for Extension of Time to <i>File Motions for Summary Judgment</i> by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 01/04/2017)
01/04/2017		<p>MINUTE ORDER treating as opposed and granting in part and denying in part <u>12</u> defendants' motion for reconsideration. While the Court acknowledges that "a Brady violation is a matter appropriately addressed to the court that sentenced the prisoner, not through a FOIA action," see Defs.' Mot. to Reconsider Order of January 3, 2017, ECF No. 12 at 2 (quoting Clifton v. U.S. Postal Inspection Serv., 591 F. Supp. 2d 10, 12 (D.D.C. 2008)), the Court is still not convinced that delaying production of the FBI's Vaughn index to Mr. Dalal until May 15, 2017 is appropriate. To support the notion that producing a Vaughn index as to all of the documents that were withheld from Mr. Dalal pursuant to the FBI's November 30, 2016 interim release of documents by January 17, 2017 is premature, defendants cite Edmond v. United States Attorney, 959 F. Supp. 1, 5 (D.D.C. 1997). But there the court concluded that the plaintiff's request for a Vaughn index was premature because "the government has not yet processed Plaintiff's FOIA request and has not determined the extent of disclosure." 959 F. Supp. at 5. The court reasoned that "[i]t would make no sense to require the government to produce a Vaughn Index before the government has processed Plaintiff's FOIA request." Id. Here, however, the FBI has already processed 814 pages of documents and released to Mr. Dalal 210 pages of non-exempt, responsive records. Defs.' Mot. to Reconsider Order of January 3, 2017, ECF No. 12 at 2. Because the FBI has processed part of Mr. Dalal's FOIA request, it makes sense that a Vaughn index responsive to the documents that have already been processed but withheld can be produced to Mr. Dalal at some point prior to the production of a final Vaughn index on May 15, 2017. Thus, at this juncture this case is unlike Edmond because the government has already begun to process Mr. Dalal's FOIA request. Defendants' other argument—that they should not have to produce a Vaughn index responsive to the documents already processed and withheld because the FBI's typical practice is "to provide a declaration of coded categories at the completion of processing" in lieu of a Vaughn index, Defs.' Mot. to Reconsider Order of January 3, 2017, ECF No. 12 at 2—is unavailing because this Court has already ordered the production of Vaughn indices, not substitutes for or alternatives to Vaughn indices. See Minute Entry of October 27, 2016. Furthermore, the Court has given the FBI six months to file a dispositive motion in this case and ordered Mr. Dalal to file his opposition to that motion three weeks after the motion's due date. See id. When the government was given a mere four months to file a dispositive motion and the plaintiff only two weeks to respond, another court in this Circuit ordered the production of a Vaughn index nearly four months prior to the filing deadline for the dispositive motion. See Hansen v. U.S. Dep't of Air Force, No. 91-0099, 1991 WL 199748, at *1 (D.D.C. Apr. 15, 1991). Accordingly, a Vaughn index as to the documents already processed but withheld should be produced to Mr. Dalal sometime prior to May 15, 2017. The Court, however, is sensitive to the FBI's competing deadlines and the requirement of inter-agency coordination that might make preparation of an index difficult. Accordingly, the Court vacates its previous order directing the FBI to produce a Vaughn index as to the documents already processed but withheld by January 17, 2017 and instead ORDERS the FBI to produce to Mr. Dalal a Vaughn index as to the documents already processed but withheld by no later than February 17, 2017. Signed by Judge Emmet G. Sullivan on 01/4/2017. (lcegs3) (Entered: 01/04/2017)</p>
01/04/2017		<p>MINUTE ORDER treating as opposed and granting in part and denying in part <u>13</u> defendants' motion to extend time. Defendants' dispositive motions previously due today shall now be due by no later than 12:00 p.m. on January 8, 2017. No further extensions of time will be granted. Signed by Judge Emmet G. Sullivan on 01/4/2017. (lcegs3) (Entered: 01/04/2017)</p>
01/05/2017		Set/Reset Deadlines: Defendants' Dispositive Motions due on 1/8/2017 by 12:00PM. (mac) (Entered: 01/05/2017)
01/09/2017	<u>14</u>	MOTION for Summary Judgment (<i>EOUSA and FEMA</i>) by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Attachment 1 (Luczynski Decl-EOUSA)i, # <u>2</u> Attachment 2 (Neuschaefer Decl-FEMA), # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 01/09/2017)

01/23/2017	<u>15</u>	MOTION for Extension of Time to File Response as to <u>14</u> MOTION for Summary Judgment ((<i>EOUSA and FEMA</i>) by AAKASH DALAL (jf) (Entered: 01/24/2017)
01/25/2017		MINUTE ORDER treating as opposed and granting in part and denying in part <u>15</u> Mr. Dalal's motion to extend time and to require FEMA to provide the court with a copy of all disclosed records. In light of Mr. Dalal's recent receipt of EOUSA's and FEMA's motion for summary judgment and the extension of time granted to defendants, Mr. Dalal's opposition to FEMA's motion for summary judgment and any cross-motion shall now be due by no later than February 3, 2017, and his opposition to EOUSA's motion for summary judgment and any cross-motion shall now be due by no later than February 14, 2017. It is FURTHER ORDERED that FEMA's and EOUSA's reply and, if applicable, combined opposition shall be filed by no later than March 7, 2017. Mr. Dalal's reply, if applicable, shall be filed by no later than March 21, 2017. It is FURTHER ORDERED that in light of Mr. Dalal's representation that he has not received EOUSA's non-exempt responsive records that were due to him by December 15, 2016 per the Court's Order of October 27, 2016, EOUSA shall re-send those records to Mr. Dalal forthwith and file with the Court proof of mailing. It is FURTHER ORDERED that, at this time, FEMA need not transmit to the Court a copy of the records it has produced to Mr. Dalal. If, at a later juncture, the Court would benefit from review of the records, the Court will order the production of those records. Signed by Judge Emmet G. Sullivan on 01/25/2017. (lcegs3) (Entered: 01/25/2017)
01/26/2017		Set/Reset Deadlines: Plaintiff Opposition to FEMA'S Motion For Summary Judgment And Any Cross-Motion due by 2/3/2017. Plaintiff Opposition To EOUSA's Motion For Summary Judgment And Any Cross-Motion due by 2/14/2017. FEMA and EOUSA's Reply, And, If Applicable, Combined Opposition due by 3/7/2017. Plaintiff Reply, If Applicable, due by 3/21/2017. (mac) (Entered: 01/26/2017)
01/30/2017	<u>16</u>	Cross MOTION for Summary Judgment, MOTION for Discovery by AAKASH DALAL (jf) (Entered: 01/31/2017)
01/30/2017	<u>17</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment ((<i>EOUSA and FEMA</i>) filed by AAKASH DALAL. (See Docket Entry <u>16</u> to view document) (jf) (Entered: 01/31/2017)
02/06/2017	<u>18</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment ((<i>EOUSA and FEMA</i>) filed by AAKASH DALAL. (jf) (Entered: 02/08/2017)
03/07/2017	<u>19</u>	Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment MOTION for Discovery filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Exhibit 1 (Declaration of Neuschaefer with attachments), # <u>2</u> Statement of Facts Addressing Plaintiff's Counter Statement of Facts, # <u>3</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 03/07/2017)
03/07/2017	<u>20</u>	MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION for Summary Judgment ((<i>EOUSA and FEMA</i>) (<i>EOUSA ONLY – See ECF 18</i>) by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 03/07/2017)
03/09/2017		MINUTE ORDER treating as opposed and granting over objection <u>20</u> motion to extend time. EOUSA shall file its reply to Mr. Dalal's opposition to EOUSA's motion for summary judgment by no later than March 16, 2017. Signed by Judge Emmet G. Sullivan on 03/9/2017. (lcegs3) (Entered: 03/09/2017)
03/09/2017		Set/Reset Deadlines: EOUSA Reply to Mr. Dalal's Opposition To EOUSA's Motion for Summary Judgment due by 3/16/2017. (mac) (Entered: 03/09/2017)
03/13/2017	<u>21</u>	WITHDRAWN PURSUANT TO <u>30</u>MOTION to Compel by AAKASH DALAL (jf) Modified on 5/9/2017 (jf). (Entered: 03/15/2017)
03/15/2017	<u>22</u>	RESPONSE re <u>21</u> MOTION to Compel filed by UNITED STATES DEPARTMENT OF JUSTICE. (Whitaker, Claire) (Entered: 03/15/2017)
03/16/2017	<u>23</u>	MOTION to Withdraw <u>14</u> MOTION for Summary Judgment ((<i>EOUSA and FEMA</i>) (<i>Defendants' Motion to Withdraw Motion for Summary Judgment Filed on Behalf of Executive Office for United States Attorneys and to Establish a New Briefing Schedule</i>) by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u>

		Text of Proposed Order)(Whitaker, Claire) (Entered: 03/16/2017)
03/17/2017		MINUTE ORDER treating as opposed and granting over objection <u>23</u> defendants' motion to withdraw motion for summary judgment filed on behalf of EOUSA and to establish a new briefing schedule. EOUSA's portion of the motion for summary judgment filed on January 9, 2017 is hereby withdrawn. It is FURTHER ORDERED that EOUSA shall complete the processing of records and serve a Vaughn index on Mr. Dalal by no later than March 30, 2017. It is FURTHER ORDERED that EOUSA's renewed motion for summary judgment is due by no later than April 14, 2017; Mr. Dalal's opposition to that motion shall be filed by no later than May 12, 2017; and EOUSA's reply to the opposition to that motion shall be filed by no later than May 19, 2017. Signed by Judge Emmet G. Sullivan on 03/17/2017. (lcegs3) (Entered: 03/17/2017)
03/22/2017	<u>24</u>	MOTION for Extension of Time to File Reply as to <u>21</u> MOTION to Compel, <u>16</u> MOTION for Summary Judgment MOTION for Discovery by AAKASH DALAL (jf) (Entered: 03/23/2017)
03/23/2017		MINUTE ORDER treating as opposed and granting over objection <u>24</u> Mr. Dalal's motion to extend time. Per the Court's Order of March 17, 2017, Mr. Dalal's opposition to EOUSA's renewed motion for summary judgment—which EOUSA shall file by no later than April 14, 2017—is due by no later than May 12, 2017. See Minute Entry of March 17, 2017. To reduce the number of filing deadlines in this case, Mr. Dalal's reply to <u>22</u> the FBI's response to his motion to compel shall also be filed by no later than May 12, 2017, and Mr. Dalal's reply to <u>19</u> FEMA's opposition to Mr. Dalal's cross-motion for summary judgment shall also be filed by no later than May 12, 2017. Signed by Judge Emmet G. Sullivan on 03/23/2017. (lcegs3) (Entered: 03/23/2017)
03/24/2017		Set/Reset Deadlines: Plaintiff Opposition To EOUSA's Renewed Motion For Summary Judgment due by 5/12/2017. Plaintiff Reply To <u>22</u> The FBI's Response To His Motion To Compel due by 5/12/2017. Plaintiff Reply to <u>19</u> FEMA's Oppostion To Mr. Dalal's Cross-Motion For Summary Judgment Motion due by 5/12/2017. (mac) (Entered: 03/24/2017)
03/30/2017	<u>25</u>	RESPONSE re <u>21</u> MOTION to Compel (<i>Supplemental</i>) filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration (Declaration of David Hardy))(Whitaker, Claire) (Entered: 03/30/2017)
04/13/2017	<u>26</u>	MOTION for Extension of Time to <i>file Renewed Motion for Summary Judgment (EOUSA)</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 04/13/2017)
04/14/2017		MINUTE ORDER treating as opposed and granting over objection <u>26</u> EOUSA's motion to extend time. EOUSA shall file its renewed motion for summary judgment by no later than April 27, 2017. In view of this extension of time, Mr. Dalal's opposition to EOUSA's renewed motion for summary judgment shall now be filed by no later than May 26, 2017; Mr. Dalal's reply to <u>22</u> , <u>25</u> the FBI's responses to his motion to compel shall also be filed by no later than May 26, 2017; and Mr. Dalal's reply to <u>19</u> FEMA's opposition to his cross-motion for summary judgment shall also be filed by no later than May 26, 2017. The Clerk of the Court is directed to mail this Order to Mr. Dalal's address of record. Signed by Judge Emmet G. Sullivan on 04/14/2017. (lcegs3) (Entered: 04/14/2017)
04/14/2017		Set/Reset Deadlines: EOUSA Renewed Motion For Summary Judgment due by 4/17/2017. Plaintiff Opposition To EOUSA Renewed Motion For Summary Judgment due by 5/26/2017. Plaintiff Reply to <u>22</u> , <u>25</u> and the FBI's Responses To Plaintiff Motion To Compel and Plaintiff Reply To <u>19</u> Fema's Opposition To Plaintiff Cross-Motion For Summary Judgment due by 5/26/2017. (mac) (Entered: 04/14/2017)
04/27/2017	<u>27</u>	MOTION for Summary Judgment (<i>Renewed EOUSA</i>) by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration (Attachment 2 – Suppl. Decl. of David Luczynski with exhibits), # <u>2</u> Declaration (Attachment 2 – Decl. of Gisele Bryant), # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 04/27/2017)
05/01/2017	<u>28</u>	ERRATA by UNITED STATES DEPARTMENT OF JUSTICE <u>27</u> MOTION for Summary Judgment (<i>Renewed EOUSA</i>) filed by UNITED STATES DEPARTMENT

		OF JUSTICE. (Whitaker, Claire) (Entered: 05/01/2017)
05/04/2017	<u>29</u>	NOTICE of Change of Address by AAKASH DALAL (jf) (Entered: 05/09/2017)
05/04/2017	<u>30</u>	NOTICE OF WITHDRAWAL OF MOTION by AAKASH DALAL re <u>21</u> MOTION to Compel (jf) (Entered: 05/09/2017)
05/10/2017	<u>31</u>	MOTION for Extension of Time to <i>file Defendant FBI's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 05/10/2017)
05/11/2017		MINUTE ORDER treating as opposed and granting in part over objection and denying in part <u>31</u> the FBI's motion for an extension of time. On October 27, 2016, the Court gave the FBI more than half of a year to file its motion for summary judgment. See Minute Entry of October 27, 2016. Less than a week before the end of that more than half-year period, the Court is now informed that "in preparing for the upcoming dispositive motion, the FBI discovered that one additional file requires review for underlying exemption categories" and that new FBI counsel has been assigned to this case. See Mot. to Extend Time, ECF No. 31. Given the generous amount of time the FBI has already been given to file its motion, the Court is reluctant to grant any more time. But to avoid a rushed and haphazard filing, the Court reluctantly will permit the FBI to file its dispositive motion by no later than May 19, 2017. Mr. Dalal's opposition to that motion shall now be filed by no later than June 9, 2017. If Mr. Dalal chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. The FBI's reply and, if applicable, combined opposition shall now be filed by no later than June 16, 2017. Mr. Dalal's reply, if any, shall now be filed by no later than June 23, 2017. Given the numerous extensions of time already granted to defendants in this case, the Court will be reluctant to extend any more of their deadlines as this case moves forward. Signed by Judge Emmet G. Sullivan on 05/11/2017. (lcegs3) (Entered: 05/11/2017)
05/11/2017		Set/Reset Deadlines: FBI To File Its Dispositive Motion due by 5/19/2017. Plaintiff Opposition And/If Plaintiff Chooses To File A Cross-Motion, It Shall Be Combined With The Opposition due by 6/9/2017. FBI's Reply And, If Applicable, Combined Opposition due by 6/16/2017. Plaintiff's Reply, If Any, due by 6/23/2017. (mac) (Entered: 05/11/2017)
05/19/2017	<u>32</u>	MOTION for Summary Judgment (<i>Federal Bureau of Investigation's Motion for Summary Judgment</i>) by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration (Declaration of David Hardy), # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 05/19/2017)
05/19/2017	<u>33</u>	MOTION for Leave to File <i>Exhibit in Camera</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration (supporting Declaration of David Hardy), # <u>2</u> Submission receipt by Court Security Officer, # <u>3</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 05/19/2017)
05/19/2017	<u>34</u>	MOTION to Compel by AAKASH DALAL (jf). Added MOTION for Extension of Time to on 5/23/2017 (znmw). (Entered: 05/22/2017)
05/22/2017	<u>35</u>	REPLY to opposition to re <u>16</u> MOTION for Summary Judgment, MOTION for Discovery filed by AAKASH DALAL. (Attachments: # <u>1</u> Exhibit)(jf) (Entered: 05/24/2017)
05/23/2017		MINUTE ORDER treating as opposed and granting over objection <u>34</u> Mr. Dalal's motion to compel and motion for extension of time. EOUSA is ORDERED to resend to Mr. Dalal's address of record the 68 pages of responsive records that it has indicated that it has previously sent to Mr. Dalal. It is FURTHER ORDERED that Mr. Dalal shall now file his opposition to EOUSA's renewed motion for summary judgment by no later than June 9, 2017. It is FURTHER ORDERED that Mr. Dalal shall now file his reply to <u>19</u> FEMA's opposition to Mr. Dalal's cross-motion for summary judgment by no later than June 9, 2017. It is FURTHER ORDERED that EOUSA's reply to Mr. Dalal's opposition to its renewed motion for summary judgment shall now be filed by no later than June 16, 2017. Signed by Judge Emmet G. Sullivan on 05/23/2017. (lcegs3) (Entered: 05/23/2017)

05/23/2017		Set/Reset Deadlines: Plaintiff Opposition To EOUSA's Renewed Motion For Summary Judgment due by 6/9/2017. Plaintiff Reply To <u>19</u> FEMA'S Opposition To Plaintiff's Cross-Motion For Summary Judgment due by 6/9/2017. EOUSA's Reply to Plaintiff's Opposition To Its Renewed Motion For Summary Judgment due by 6/16/2017. (mac) (Entered: 05/23/2017)
05/26/2017	<u>36</u>	ERRATA (Amended) Statement of Material Facts by AAKASH DALAL. (jf) (Entered: 05/30/2017)
06/05/2017	<u>37</u>	MOTION to Strike <u>36</u> Errata (<i>Amended</i>) Statement of Material Facts by AAKASH DALAL. by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 06/05/2017)
06/08/2017	<u>38</u>	MOTION for Extension of Time to File Response as to <u>32</u> MOTION for Summary Judgment (<i>Federal Bureau of Investigation's Motion for Summary Judgment</i>), <u>33</u> MOTION for Leave to File <i>Exhibit in Camera</i> by AAKASH DALAL (jf) (Entered: 06/09/2017)
06/12/2017		MINUTE ORDER treating as opposed and granting over objection <u>38</u> plaintiff's motion for extension of time. Plaintiff shall now file his opposition to the FBI's motion for summary judgment by no later than June 19, 2017. If he chooses to file a cross-motion it shall be combined with the opposition and filed on the same date. The FBI's reply and, if applicable, combined opposition shall now be filed by no later than June 26, 2017. Plaintiff's reply, if any, shall now be filed by no later than July 3, 2017. Plaintiff shall now also file his opposition to the FBI's motion for leave to submit exhibit in camera by no later than June 19, 2017. FBI's reply to that opposition shall now be filed by no later than June 26, 2017. Signed by Judge Emmet G. Sullivan on 06/12/2017. (lcegs3) (Entered: 06/12/2017)
06/15/2017	<u>39</u>	MOTION for Extension of Time to File Response as to <u>32</u> MOTION for Summary Judgment (<i>Federal Bureau of Investigation's Motion for Summary Judgment</i>), <u>27</u> MOTION for Summary Judgment (<i>Renewed EOUSA</i>) by AAKASH DALAL (jf) (Entered: 06/16/2017)
06/19/2017		MINUTE ORDER treating as opposed and granting over objection <u>39</u> plaintiff's motion for extension of time. Plaintiff shall now file his opposition to EOUSA's renewed motion for summary judgment by no later than June 26, 2017. EOUSA shall now file its reply to plaintiff's opposition to its renewed motion for summary judgment by no later than July 10, 2017. It is FURTHER ORDERED that plaintiff shall now file his opposition to the FBI's motion for summary judgment by no later than June 26, 2017. If he chooses to file a cross-motion it shall be combined with the opposition and filed on the same date. The FBI's reply and, if applicable, combined opposition shall now be filed by no later than July 10, 2017. Plaintiff's reply, if any, shall now be filed by no later than July 24, 2017. It is FURTHER ORDERED that plaintiff shall now file his opposition to the FBI's motion for leave to submit exhibit in camera by no later than June 26, 2017. FBI's reply to that opposition shall now be filed by no later than July 10, 2017. It is FURTHER ORDERED that plaintiff shall file his opposition to FEMA's motion to strike by no later than June 26, 2017. FEMA shall now file its reply by no later than July 10, 2017. Because plaintiff has now sought numerous extensions of time, the Court will be reluctant to extend any more of his deadlines as this case moves forward. Signed by Judge Emmet G. Sullivan on 06/19/2017. (lcegs3) (Entered: 06/19/2017)
06/19/2017		Set/Reset Deadlines: Plaintiff Opposition To EOUSA's Renewed Motion For Summary Judgment due 6/26/2017. Plaintiff Opposition To EOUSA's Renewed Motion For Summary Judgment due 6/26/2017. EOUSA Reply To Plaintiff's Opposition To Its Renewed Motion For Summary Judgment due 7/10/2017. Plaintiff Opposition To The FBI's Motion For Summary Judgment Or Cross-Motion Shall Be Combined With The Opposition due 6/26/2017. FBI's Reply And, If Applicable, Combined Opposition due 7/10/2017. Plaintiff's Reply due 7/24/2017. Plaintiff Opposition To FBI's Motion For Leave To Submit Exhibit In Camera due 6/26/2017. FBI's Reply To That Opposition due 7/10/2017. Plaintiff Opposition To FEMA's Motion To Strike due by 6/26/2017. FEMA Reply due by 7/10/2017. (mac) (Entered: 06/19/2017)
06/19/2017	<u>40</u>	Cross MOTION for Summary Judgment, MOTION for In Camera Review by AAKASH DALAL (Attachments: # <u>1</u> Exhibit 1-5, # <u>2</u> Exhibit 6-7, # <u>3</u> Exhibit

		8-20)(jf) (Entered: 06/20/2017)
06/19/2017	<u>41</u>	Memorandum in opposition to re <u>32</u> MOTION for Summary Judgment (<i>Federal Bureau of Investigation's Motion for Summary Judgment</i>) filed by AAKASH DALAL. (See Docket Entry <u>40</u> to view document) (jf) (Entered: 06/20/2017)
06/22/2017	<u>42</u>	Memorandum in opposition to re <u>37</u> MOTION to Strike <u>36</u> Errata (<i>Amended</i>) <i>Statement of Material Facts</i> by AAKASH DALAL. filed by AAKASH DALAL. (jf) (Entered: 06/23/2017)
06/29/2017	<u>43</u>	MOTION for Leave to File Excess Pages by AAKASH DALAL. (Attachments: # <u>1</u> Exhibit Cross Motion, # <u>2</u> Exhibit Opposition, # <u>3</u> Exhibits)(jf) (Entered: 06/30/2017)
07/06/2017		MINUTE ORDER denying <u>43</u> Plaintiff's Motion for Leave to File an Oversized Brief. Plaintiff is ORDERED to re-file his combined opposition to the FBI's motion for summary judgment and cross-motion for summary judgment by no later than July 14, 2017. The memorandum of points and authorities thereto shall not exceed 45 pages. The FBI's reply and combined opposition shall now be filed by no later than July 28, 2017. Plaintiff's reply, if any, shall now be filed by no later than August 11, 2017. Signed by Judge Emmet G. Sullivan on 07/6/2017. (lcegs3) (Entered: 07/06/2017)
07/06/2017		Set/Reset Deadlines: Plaintiff To Refile Combined Opposition To the FBI's Motion For Summary Judgment And Cross-Motion For Summary Judgment due by 7/14/2017. FBI's Reply And Combined Opposition due by 7/28/2017. Plaintiff's Reply due by 8/11/2017. (mac) (Entered: 07/06/2017)
07/10/2017	<u>44</u>	REPLY to opposition to motion re <u>37</u> MOTION to Strike <u>36</u> Errata (<i>Amended</i>) <i>Statement of Material Facts</i> by AAKASH DALAL. filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Whitaker, Claire) (Entered: 07/10/2017)
07/10/2017	<u>45</u>	MOTION for Extension of Time to File Response/Reply as to <u>40</u> MOTION for Summary Judgment MOTION for In Camera Review, <u>27</u> MOTION for Summary Judgment (<i>Renewed EOUSA</i>) by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/10/2017)
07/13/2017	<u>46</u>	Cross MOTION for Summary Judgment by AAKASH DALAL (jf) (Entered: 07/14/2017)
07/13/2017	<u>47</u>	Memorandum in opposition to re <u>32</u> MOTION for Summary Judgment (<i>Federal Bureau of Investigation's Motion for Summary Judgment</i>) filed by AAKASH DALAL. (jf) (Entered: 07/14/2017)
07/15/2017		MINUTE ORDER treating as opposed and granting in part and denying in part <u>45</u> EOUSA's motion for extension of time. EOUSA is ORDERED to file its combined opposition to plaintiff's cross-motion for summary judgment, reply in support of its renewed motion for summary judgment, and opposition to plaintiff's motion for in camera review by no later than July 21, 2017. Plaintiff shall now file his reply to EOUSA's opposition to his cross-motion, if any, combined with his reply to EOUSA's opposition to his motion for in camera review, if any, by no later than August 4, 2017. Government counsel is admonished not to wait until the day a filing is due to seek an extension of time. In any event, the Court has already warned the parties that it will be reluctant to grant any more extensions of time. Signed by Judge Emmet G. Sullivan on 07/15/2017. (lcegs3) (Entered: 07/15/2017)
07/16/2017		Set/Reset Deadlines: EOUSA To File Its Combined Opposition To Plaintiff's Cross-Motion For Summary Judgment, Reply In Support Of Its Renewed Motion For Summary Judgment, And Opposition To Plaintiff's Motion For In Camera Review due by 7/21/2017. Plaintiff Reply To EOUSA's Opposition To Cross-Motion, If Any, Combined With Reply To EOUSA's Opposition To Motion For In Camera Review due by 8/4/2017. (mac) (Entered: 07/16/2017)
07/21/2017	<u>48</u>	Memorandum in opposition to re <u>40</u> MOTION for Summary Judgment MOTION for In Camera Review, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration Suppl. Bryant Dec., # <u>2</u> Declaration suppl. Luczynski Dec., # <u>3</u> Statement of Facts Addressing Plaintiff's facts, # <u>4</u> Text of Proposed Order)(Whitaker, Claire) . (Entered: 07/21/2017)

07/27/2017	<u>49</u>	MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Cross Motion for Summary Judgment and Plaintiff's opposition to Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/27/2017)
07/28/2017		MINUTE ORDER treating as opposed and granting the FBI's <u>49</u> motion to extend time. FBI is ORDERED to file its reply to plaintiff's combined opposition to FBI's motion for summary judgment and cross motion for summary judgment by no later than August 4, 2017. It is FURTHER ORDERED that plaintiff shall now file his reply thereto by no later than August 18, 2017. Signed by Judge Emmet G. Sullivan on 07/28/2017. (lcegs3) (Entered: 07/28/2017)
07/28/2017		Set/Reset Deadlines/Hearings: FBI's reply to Motion for Summary Judgment & response to cross motion due by 8/4/2017. (zcdw) (Entered: 07/28/2017)
08/04/2017	<u>50</u>	Memorandum in opposition to re <u>46</u> MOTION for Summary Judgment <i>and reply in support of Defendant's cross motion</i> filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration 4th Hardy Decl., # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 08/04/2017)
08/04/2017	51	REPLY to opposition to motion re <u>32</u> MOTION for Summary Judgment (<i>Federal Bureau of Investigation's Motion for Summary Judgment</i>) filed by UNITED STATES DEPARTMENT OF JUSTICE. (See Docket Entry <u>50</u> to view document). (znmw) (Entered: 08/07/2017)
08/04/2017	<u>52</u>	MOTION for Extension of Time to File Reply as to US Dept. of Justice's (FBI) Opposition re <u>46</u> Cross MOTION for Summary Judgment by AAKASH DALAL (jf) (Entered: 08/08/2017)
08/04/2017	<u>53</u>	REPLY re <u>48</u> Memorandum in opposition to re <u>40</u> MOTION for Summary Judgment MOTION for In Camera Review, filed by AAKASH DALAL. (jf) (Entered: 08/08/2017)
08/09/2017		MINUTE ORDER treating as opposed and granting over objection plaintiff's <u>52</u> motion for an extension of time. Plaintiff shall file his reply to <u>50</u> FBI's opposition to plaintiff's cross-motion for summary judgment by no later than September 14, 2017. Signed by Judge Emmet G. Sullivan on 08/9/2017. (lcegs3) (Entered: 08/09/2017)
08/10/2017		Set/Reset Deadlines: Plaintiff Reply to <u>50</u> FBI's Opposition To Plaintiff's Cross-Motion for Summary Judgment due by 9/14/2017. (mac) (Entered: 08/10/2017)
08/10/2017	<u>54</u>	REPLY to DOJ's opposition to re <u>46</u> Cross MOTION for Summary Judgment filed by AAKASH DALAL. (jf) (Entered: 08/11/2017)
09/18/2017		Case directly reassigned to Judge Timothy J. Kelly. Judge Emmet G. Sullivan is no longer assigned to the case. (ztnr) (Entered: 09/18/2017)
02/05/2018	<u>55</u>	MOTION for Leave to File Supplemental Exhibit by AAKASH DALAL (Attachments: # <u>1</u> Exhibit)(jf) (Entered: 02/08/2018)
03/28/2018		MINUTE ORDER granting, nunc pro tunc and for good cause shown, Defendant FBI's <u>33</u> motion for leave to file an exhibit in camera. Where an agency must explain its justification for nondisclosure of classified records, and cannot "responsibly do so except by submitting some of its declarations ex parte for in camera inspection," it may do so. <i>McClanahan v. DOJ</i> , 712 F. App'x 6, 9 (D.C. Cir. 2018) (citing <i>Hayden v. NSA</i> , 608 F.2d 1381, 1384-85 (D.C. Cir. 1979)). Moreover, Plaintiff has not filed any opposition to the motion. Accordingly, it is hereby ORDERED that the motion is GRANTED, and that Defendant FBI may submit a classified declaration, ex parte and for in camera inspection, in support of its withholding of records it contends are protected by FOIA Exemptions 1 and 3. Signed by Judge Timothy J. Kelly on 3/28/2018. (lctjk1) (Entered: 03/28/2018)
03/28/2018		MINUTE ORDER: Upon review of Defendant FBI's <u>32</u> motion for summary judgment, it does not appear that any of the referenced exhibits to the Declaration of David M. Hardy [32-1] have been filed with the Court. Defendant FBI shall file the exhibits to that declaration with the Court within 30 days. Signed by Judge Timothy J. Kelly on 3/28/2018.(lctjk1) (Entered: 03/28/2018)

03/29/2018	<u>56</u>	ORDER: It is hereby ORDERED that the FBI shall, within 60 days of this Order, produce a complete Vaughn index to Dalal. This case will be STAYED until further order of the Court. See Order for details. Signed by Judge Timothy J. Kelly on 3/29/2018. (lctjk1) (Entered: 03/29/2018)
04/12/2018	<u>57</u>	NOTICE (<i>Notice of Filing of Exhibits</i>) by UNITED STATES DEPARTMENT OF JUSTICE re <u>32</u> MOTION for Summary Judgment (<i>Federal Bureau of Investigation's Motion for Summary Judgment</i>), Order, (Attachments: # <u>1</u> Exhibit A-HH)(Whitaker, Claire) (Entered: 04/12/2018)
05/29/2018	<u>58</u>	NOTICE of Compliance with the Court's March 29, 2018, Order by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE re <u>56</u> Order,, Case Stayed,, Order Staying Case, (Haynes, Fred) (Entered: 05/29/2018)
08/06/2018	<u>59</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Fred Elmore Haynes on behalf of UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE Substituting for attorney Claire Whitaker (Haynes, Fred) (Entered: 08/06/2018)
08/06/2018	<u>60</u>	NOTICE of Filing of Revised Vaughn Index by UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Exhibit Cover Letter, # <u>2</u> Exhibit Revised Vaughn Index)(Haynes, Fred) (Entered: 08/06/2018)
11/04/2019	<u>61</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Christopher Charles Hair on behalf of UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF JUSTICE Substituting for attorney Fred E. Haynes (Hair, Christopher) (Entered: 11/04/2019)